

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
EASTERN DIVISION

Case No. 4:91-CR-00092-M

UNITED STATES OF AMERICA,

Plaintiff,

v.

ENERVA W. TROTMAN,

Defendant.

ORDER

This matter comes before the court on the Defendant's Renewed Motion for Sentence Modification under 18 U.S.C. § 3582(c)(1) (DE 356). Defendant asserts some arguments that have been previously raised and resolved post-judgment (e.g., COVID-19's possible impact on his health), and this court will not consider them again unless Defendant can demonstrate a material change in his circumstances. However, it also appears that Defendant relies heavily on the Fourth Circuit's opinion in *United States v. McCoy*, 981 F.3d 271, 284 (4th Cir. 2020), which has since been modified by the United States Sentencing Commission's issuance of a new policy statement in § 1B1.13, and has been subsequently interpreted in *United States v. Davis*, 99 F.4th 647 (4th Cir. 2024). *See id.* at 658 ("It now falls on the district court to revisit Davis's arguments in light of the Sentencing Commission's new policy statement outlining when and how to consider changes in law as an extraordinary and compelling reason for a reduction.").

In light of these developments, the court ORDERS that the Defendant file a supplemental brief, no longer than ten pages, applying *Davis* (and any other applicable case law) and the Commission's new policy statement to his argument(s) in favor of a sentence reduction. Defendant shall file such supplement within thirty (30) days after the date of this order. The United States

shall file a response brief, no longer than ten pages, to Defendant's supplement within thirty days of service of the supplemental brief.

SO ORDERED this 19th day of August, 2024.



RICHARD E. MYERS II
CHIEF UNITED STATES DISTRICT JUDGE